IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPlICATION NO. 2355 OF 2007

1. Shri Jalindhar Namdeo Patil
2. Shri Machhindra Namdeo Patil
both residing at Mandur,Taluka Shirala, District Sangli. .. Applicants

vs

State of Maharashtra
(at theinstance of Kokrud Police Station, Taluka Shirala) .. Respondents

Mr.Prakash Naik for Applicants

Mr.S.S.Pednekar, APP for Respondents

CORAM : V.C.DAGA, J

DATED : 8th August, 2007

P.C.

1. Heard learned Advocate for the applicants and the learned A.P.P. for the State.

2. Perused the application and the material available on record.

3. This is an application for grant of bail under section 439 of Cr.P.C. in C.R.No.44 of 2006 registered with Kokrud police station for the offences under sections 498-A, 306 read with section 34 of IPC. The applicant nos.1 and 2 are real brothers. Applicant no.2 is the husband of the deceased Alka. The mother-in-law has already been enlarged on bail she being a woman about 60 years of age. So far as applicant no.2 is

concerned, there is an overwhelming prima facie evidence showing a demand for money and that of ill treatment to the deceased. It is no doubt true that there are certain allegations against the applicant no.1 being a family member. The complainant has also made a complaint against him. However, those allegations are general in nature. In that view of the matter, learned Advocate for the applicants has pressed the application only for applicant no.1.

4. The learned APP while opposing the application for bail submitted that the witnesses are from the very locality in which the present applicants are residing and as such, it would not be proper to release the applicants on bail as the possibility of tampering the witnesses cannot be ruled out.

5. Learned Advocate appearing for the applicants urged that in so far as applicant no.1 is concerned, he shall stay outside village Mandur, Taluka Shirala District Sangli and shall not enter into the said village until the trial is over.

6. In the above circumstances, I am inclined to grant bail to the applicant no.1 and reject the prayer with respect to the applicant no.2 (husband) Machindra Patil. Bail to the applicant no.1 is granted on the following terms and conditions :

1. That he shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount ;

2. He shall not enter village Mandur Taluka Shirala District Sangli during pendency of the trial and ;

3. That he shall furnish his residential address to the Investigating Officer and shall report to the nearest police station twice in a week i.e. on Monday and Friday between 3 to 5 p.m.

4. That he shall not contact any prosecution witnesses or pressurise them nor shall he attempt to destroy the prosecution evidence.

Breach of any of above conditions would entail cancellation of this order.

Application is accordingly disposed of.

(V.C.Daga, J)